

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 813 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VASANT R PATEL

Versus

GUJARAT WATER SUPPLY AND SEWEAGE BOARD

Appearance:

None present for Petitioner

MR MH RATHOD for Respondent No. 1, 3 & 4

MR VB GHARANIA for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/05/99

ORAL JUDGEMENT

#. On 30th November, 1998, this Court ordered:

.... In the facts and circumstances of this case, it is ordered that the inquiry in which the chargesheet has already been served and the inquiry in which the chargesheet may be served

now subject to the advice of the Vigilance Commission, State of Gujarat, both shall be concluded by the end of 30th April 1999 and within a period of two weeks thereafter, the Government and the respondent Board shall pass appropriate orders with regard to the acceptance or otherwise of the petitioner's claim for voluntary retirement on the basis of his application dated 20th December 1996. Should the respondent Board fail to adhere to this time schedule despite the petitioner's cooperation, it will be the duty of the respondent Board to pay the pension to the petitioner on provisional basis by treating him to be retired in pursuance of his application dated 20th December 1996 and the other retiral benefits accordingly subject to the orders which may be passed in the two inquiries. Put up on 1st May 1999.

#. The learned counsel for respondent No.1 admits that the inquiry against the petitioner has already been completed and he has been exonerated of all the charges. So the first part of the order aforesaid been complied with. So far as the second part of the order is concerned, the learned counsel for respondent No.1 prays for one month's more time to so that this part may also be complied with.

#. Once the petitioner has been admittedly exonerated of the charges and no inquiry is pending against him, then possibly his request for voluntary retirement should have been accepted. I fail to see any justification in this prayer of taking such a long time in deciding this small matter. This Court has earlier expected from the respondents to pass appropriate order on the question of permitting the petitioner to go on voluntary retirement within fifteen days of deciding inquiry. Be that as it may, in the interest of justice, the prayer made by the petitioner, though wholly deserves no acceptance, further two weeks' time is granted to the respondent No.1 to take appropriate decision on the application of the petitioner for his voluntary retirement from services. Next prayer has been made by petitioner for giving directions to the respondents for giving him of retirementary benefits. So far as this prayer is concerned, it is only a consequential benefit on acceptance of his voluntary retirement prayer. It is expected that in case the prayer of the petitioner to go on voluntary retirement from services from 22.1.97 is granted, the respondents shall grant him all consequential benefits following therefrom within three months next.

#. Subject to these directions, this special civil application is dismissed at this stage with liberty to the petitioner for revival of the same in case of difficulty. Rule discharged. No order as to costs.

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(sunil)